

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing:

17 June 1999 (17.06.99)

International application No.:

PCT/AU98/01023

Applicant's or agent's file reference:

91404

International filing date:

10 December 1998 (10.12.98)

Priority date:

10 December 1997 (10.12.97)

Applicant:

ROSS, Bruce, Carter et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International preliminary Examining Authority on:

10 March 1999 (10.03.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was



was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer:

J. Zahra

Telephone No.: (41-22) 338.83.38

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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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|---|---|--|
| Applicant's or agent's file reference 91404 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International application No. PCT/AU 98/01023 | International filing date (day/month/year) 10 DECEMBER 1998 | Priority Date (day/month/year) 10 DECEMBER 1997 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁶ C12N 15/31; C07K 14/195; A61K 38/00, 38/16, 39/00 | | |
| Applicant CSL LIMITED | | |

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|----|--|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. |
| 2. | This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s). |
| 3. | This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |

| | |
|--|--|
| Date of submission of the demand 10 March 1999 | Date of completion of the report 7 July 1999 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929 | Authorized Officer PHILIPPA WYRDEMAN Telephone No. (02) 6283 2554 |

I. Basis of the report1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , filed with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:

- ☒ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos.: **1-34 in part**

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. **1-34 in part**

The breadth of the claims precluded the conducting of a comprehensive sequence search of all the gene and protein sequences claimed on economic grounds. A representative search including keywords as outlined in the International Search Report and sequence IDs 265, 528, 340 and 341 was therefore conducted. Comments in this report with regard to the novelty and inventive step are consequently limited to the invention to the extent reflected by this representative search.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|---------------------|-----|
| Novelty (N) | Claims 1-34 in part | YES |
| | Claims - | NO |
| Inventive step (IS) | Claims 1-34 in part | YES |
| | Claims - | NO |
| Industrial applicability (IA) | Claims 1-34 | YES |
| | Claims - | NO |

2. Citations and explanations (Rule 70.7)

None of the prior art teaches or suggests an isolated *Porphorymonas gingivalis* polypeptide generally. Nor does the prior art disclose the specific sequences shown in Seq. ID numbers 265, 340, 341 or 528 of the present application.

The claimed material is considered industrially applicable.